

Notice of Allowability

Application No.

10/535,649

Examiner

Kiran B. Patel

Applicant(s)

BROCKHOFF, FRANZ-ULRICH

Art Unit

3612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/07/06.
2. ☒ The allowed claim(s) is/are 1-16.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

Examiner's Amendment and
Examiner's Statement of Reasons for Allowance
Allowance (11/12/06)

1. An Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for the following Examiner's amendment was given in a telephone interview with Mr. Kueffner 11/7/06.

2. The claims were further amended to read as follows:

1. (Currently Amended) A motor ~~Motor~~ vehicle (1) with a roof (2) that has at least one movable roof part (3) which can be moved as a whole between an open position and a closed position and which, in the closed position, extends between the area near a windshield frame (4) and a rear, ~~especially rigid,~~ roof part (5, 5a), wherein the movable roof part (3) is divided into several connected sections (15, 16) in such a way that it can be varied between a normal width and a narrowed width by displacement of sections (16), and, when it is in its state of

narrowed width, it can be moved between its open position and its closed position, and that to produce this narrowed width, the outer sections (16) are lifted at the same time.

2. (Currently Amended) The motor ~~Motor~~ vehicle in accordance with Claim 1, ~~characterized by the fact that~~ wherein the movable roof part (3) is divided into a middle section (15) with respect to a vertical longitudinal center plane (E) and two outer sections (16).

3. (Currently Amended) The motor ~~Motor~~ vehicle (1) with a roof (2) that ~~has at least one part (3) which can be moved as a whole between an open position and a closed position, and which, in the closed position, extends between the area near a windshield frame (4) and a rear, especially rigid, roof part (5, 5a), especially~~ in accordance with Claim 1, wherein, ~~the movable roof part (3) is divided into several connected sections (15, 16) in such a way that it can be varied between a normal width and a narrowed width by displacement of sections (16), and, when it is in its state of narrowed width, it can be moved between its open position and its closed position, and when it~~ the movable roof part (3) has its normal width, it

occupies the full transverse extent between the upper edges of side windows (9) of the motor vehicle (1), and the separating lines (14) are located at a distance of less than 20 centimeters from the upper edges of the side windows (9).

4. (Currently Amended) The motor ~~Motor~~ vehicle in accordance with Claim 3, wherein the outer sections (16) constitute lateral frame parts (10), which, in the normal position, form a section of lateral roof frames (11) between a windshield frame (4) and a rear roof part (5, 5a).

5. (Currently Amended) The motor ~~Motor~~ vehicle in accordance with Claim 4, wherein in the closed position of the roof, the frame parts (10) are locked on at least one of the windshield frame (4) and/or the rear roof part (5, 5a), and that this lock can be released by the inward displacement of the outer sections (16).

6. (Currently Amended) The motor ~~Motor~~ vehicle (1) in accordance with Claim 1, wherein the middle section (15) is supported on a linkage (23) in such a way

that it can be independently moved and that it can be moved by the linkage (23) between the open position and the closed position.

7. (Currently Amended) The motor ~~Motor~~ vehicle in accordance with Claim 1, wherein the outer sections (16), which are located laterally on the outside with respect to a vertical longitudinal center plane (E), can be swung inward towards the middle section (15).

8. (Currently Amended) The motor ~~Motor~~ vehicle in accordance with Claim 7, wherein a multijoint linkage (17) is provided to effect this inward rotation.

9. (Currently Amended) The motor ~~Motor~~ vehicle in accordance with Claim 1, wherein it is a vehicle with a targa roof.

10. (Currently Amended) The motor ~~Motor~~ vehicle in accordance with Claim 1, wherein the movable roof part (3) can be lowered in an essentially horizontal open position above a rear-end, essentially horizontal region of the automobile body, ~~especially a trunk lid.~~

11. (Currently Amended) The motor ~~Motor~~ vehicle in accordance with Claim 1, wherein the rear roof part (5, 5a) can be swung open at least partially about a rear axis (33) to create an opening for the passage of the movable roof part (3) and can be swung closed again over the open roof part (3).

12. (Currently Amended) The motor ~~Motor~~ vehicle in accordance with Claim 1, wherein the rear roof part (5) is designed with a fin structure, and lateral cover frame parts (31) that rest on the fins (7) can be swung open about a rear axis (33) to create an opening for the passage of the movable roof part (3) and can be swung closed again over the open roof part (3).

13. (Currently Amended) The motor ~~Motor~~ vehicle in accordance with Claim 12, wherein a transverse frame part (32), which overlaps a rear window (6) situated between the fins (7), can also be swung open along with the lateral frame parts (31) of the rear roof part (5).

14. (Currently Amended) The motor ~~Motor~~ vehicle in accordance with Claim 11, wherein the movement of the frame parts (31, 32) is linked by program control with the displacement movement of the outer sections (16) of the front roof part (3).

15. (New) The motor vehicle according to claim 1, wherein the roof part (5, 5a) is rigid.

16. (New) The motor vehicle according to claim 10, wherein the movable roof part (3) can be lowered above a trunk lid.

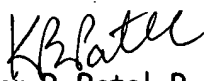
3. The following is an Examiner's statement of reasons for allowance:

The primary reason for the allowance of the claims in this case, is the inclusion of the limitation "at least one movable roof part which can be moved as a whole between an open position and a closed position and which, in the closed position, extends between the area near a windshield frame and a rear roof part wherein the movable roof part is divided into several connected sections in such a way that it can be varied between a normal width and a narrowed width by displacement of sections, and, when it is in its state of narrowed width, it can be

moved between its open position and its closed position, and that to produce this narrowed width, the outer sections are lifted at the same time" in the independent claim, in combination with the other recited limitations in claims supported by this application, which are not found in the prior art of record.

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Any inquiry concerning this communication or earlier communications should be directed to Primary Examiner Kiran B. Patel whose telephone number is 571-272-6665. The examiner can normally be reached on M-F from 8:00 to 5:00. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.


Kiran B. Patel, P. E.
Primary Examiner
Art Unit 3612
November 12, 2006